

## **PROPERTY DISPOSITION PLAN**

for

### **Parcel -07 of Bel Marin Keys Unit V Property Administered by the State Coastal Conservancy**

The State Coastal Conservancy intends to sell an approximately 8-acre portion of State-owned property at Bel Marin Keys Unit V that it administers. The property is located near the city of Novato, Marin County. The parcel is part of a larger re Conservancy-administered property 1600 acres in size that is an expansion site for the Hamilton Wetland Restoration Project, which consists of assessor's parcels 157-171-07 (the subject parcel) as well as APNs: 157-172-06; 157-172-07; 157-172- 08; 157-172-35; 157-172-36; 157-172-37; 157-172- 38 and 157-570-09. The land is immediately adjacent to the 900-acre former Hamilton Army Airfield, the subject of the current restoration (carried out by the Army Corps of Engineers and sponsored by the Conservancy). An approximately 700-acre portion of the BMKV property is leased for oat hay production; however, the subject parcel is not farmed, nor has it been farmed for many decades. The subject parcel was originally part of a large farm, but was split from the BMKV farm when the Bel Marin Keys home community was first built in the 1960s (see map attached). The Conservancy plans to sell the subject parcel, APN 57-157-07 (Parcel 07), because it is not needed for the wetland restoration project. The subject parcel is not part of the restoration project because it is not contiguous with the other BMKV parcels and unsuitable for other project uses. It is located across a busy roadway from the project site and presents an unnecessary liability to the Conservancy.

In 2003 the Conservancy completed a restoration plan and Supplemental Environmental Impact Report for the wetland restoration project. The plan is available on the Conservancy's website: [www.scc.ca.gov/projects.htm](http://www.scc.ca.gov/projects.htm)

The Conservancy finds that disposition of the property is necessary to implement the Hamilton Wetland Restoration Project approved by the Conservancy in 2004. The terms of the property disposition are specified below.

#### **I. Sale Notice**

Conservancy staff or the Department of General Services will prepare a request for offer (RFO) and a brief informational sales brochure describing the property, notifying the public that the property is offered for sale, and instructing interested parties how to obtain additional information on the offering.

#### **II. Request for Offer (RFO)**

Conservancy staff will prepare a "Request for Offer" containing the following:

- A. A description of the subject real property and easements and interests to be reserved;

- B. A statement that the property was acquired pursuant to the authority of Public Resources Code Section 31160, et seq.;
- C. A statement that the Conservancy's purpose for disposing of the property is for financial return and in furtherance of the Hamilton Wetland Restoration Project;
- D. A statement that the property is being sold "as is" without warranty as to title or as to toxic substances present;
- E. A statement that the Conservancy's minimum expectation of the value of the property is five hundred thousand dollars (\$500,000);
- F. A statement of the specific minimum requirements for any offer to be considered by the Conservancy, including refundable earnest money deposit and other items as may be appropriate;
- G. A statement of the date by which sealed offers must be received by the Conservancy;
- H. A statement that offers are to be submitted in writing to the headquarters offices of the State Coastal Conservancy, 1330 Broadway, Suite 1300, Oakland, CA 94612;
- I. A statement that written offers received will be opened publicly by the Executive Officer of the Conservancy (or his designee) at 10:00 a.m. on the next working day following the last date for receipt of written offers;
- J. A statement that after the public opening of the written offers, oral offers in excess of the highest responsible written offer will be received by the Conservancy at its headquarters from those who had submitted responsible written offers;
- K. A statement that the Executive Officer of the Conservancy has the authority to select and accept the successful offer, subject to approval by the Conservancy affording the public adequate opportunity to comment on the selection.
- J. A statement as soon as possible after such selection is made, but in no event more than seven days thereafter, the Conservancy shall notify all offerors of which offer was chosen;
- K. A statement that the Conservancy reserves the right to reject all offers submitted and acceptance of any offer is subject to the approval of the Director of the Department of General Services.

Conservancy staff will submit the completed RFO to the Department of General Services for its review and comment.

### III. Advertising

#### A. Publication.

1. The Conservancy will advertise the sale of the property at least once a week for at least two consecutive weeks prior to the opening of offers, in newspapers of general circulation published in the following locations:
  - a. The county in which the property is located (Marin Independent Journal; Novato Advance);
  - b. The general geographic region in which the property is located (*San Francisco Chronicle*);
  - c. The major metropolitan centers of the State (*Sacramento Bee*, *Los Angeles Times*, *San Diego Union*).
2. The Conservancy may advertise the sale of the property in other publications, such as the multiple listing service and internet as deemed appropriate by staff.

B. Mailing. The RFO shall be mailed to any potential offeror known to the Conservancy.

C. Posting. Notice of the sale and contact for additional information shall be posted on the property for a minimum of four weeks prior to the opening of offers.

### IV. Responsible Written Offers

The RFO shall provide that all responsible written offers to purchase shall include the following:

- A. Statement of the identity, mailing address, and telephone number of the offeror and offer to purchase the property;
- B. If the purchase is proposed to be on terms other than all cash, a statement of the financial qualifications of the offeror, including appropriate references;
- C. A written offer to purchase the property at a specific sale price and specifying the terms of the offer including all pertinent purchase details. The amount of the offer shall be submitted in a sealed envelope separate from the other materials and information required, and this sealed envelope shall not be opened by the Conservancy until the time and date specified pursuant to Section II, item I; and
- D. A refundable earnest money deposit of ten thousand dollars (\$10,000.00) by certified check or cashier's check, which may be received by the Conservancy subsequent to the opening of bids pursuant to section II, item I but no later than immediately prior to the time of receipt of oral offers by the Conservancy.

## V. Responsible Oral Offers

The RFO shall provide that all responsible oral offers:

- A. Shall be received by the Conservancy only from those previously submitting responsible written offers;
- B. Shall be preceded by receipt at the Conservancy of a refundable earnest money deposit of ten thousand dollars (\$10,000.00) by certified check or cashier's check; and
- C. Shall be for all cash or for specific financial terms as previously announced by the Conservancy. Oral offers for financial terms other than all cash shall be considered responsible offers only if the offeror had submitted financial qualifications with the offeror's written bid, pursuant to IV.B.

## VI. Review of Offers

- A. Staff review of written offers. Conservancy staff will review all written offers received and determine whether each submitted offer is a "responsible offer" consistent with the RFO.
- B. Staff review of oral offers. If any oral offers exceed the amount of the highest responsible written offer, staff will review the high oral offer received and determine if that offer is a responsible offer consistent with the RFO. If that offer is determined not to be a responsible offer, staff will review the next highest oral offer and determine if that offer is a responsible offer. Staff will continue this process until staff determines that an oral offer is a responsible offer, or that no oral offers higher than the highest written offer are responsible.
- C. Counter offers. In the event that no responsible offers are received at a sale price equal to or greater than the Conservancy's minimum expectation as described in the RFO, Conservancy staff may determine to submit counter-offers to persons previously submitting offers.
- D. Cooperation with agents. The Conservancy may cooperate with private real estate brokers in marketing and selling the property. The Conservancy may pay a brokerage commission up to ten percent of the sale price to a real estate broker for arranging a sale in accordance with the RFO. In connection with any counter-offer as described in V.C. above, Conservancy staff may propose a reduction in such commission.
- E. Financial qualifications. If the purchase is proposed to be on terms other than all cash, Conservancy staff will examine the financial qualifications of the offeror of the high bid and the offeror's references and report the results of this examination to the Executive Officer of the Conservancy.

## VII. Acceptance of Offer

- A. High bid. After review of all offers received for the property, the Executive Officer of the Conservancy shall either conditionally accept the responsible offer that offers the highest net financial return among all responsible offers, or reject all offers. Acceptance by the Executive

Officer shall be subject to approval of the Conservancy and the right of first refusal stipulated in VII.B.

- B. Right of first refusal. Conservancy staff will notify the existing lessee of the amount of the high bid received, and other terms and conditions of sale connected to that bid. If the existing lessee agrees to equal the amount of the high bid received and its related terms and conditions, the existing lessee shall be selected by the Executive Officer of the Conservancy as the successful offeror for the property, subject to approval of the Conservancy. Before selection by the Executive Officer of the existing lessee as the successful offeror for the property, the existing lessee shall be required to provide the Conservancy an earnest money deposit of ten thousand dollars (\$10,000.00) by certified check or cashier's check. Notwithstanding any other provisions of this paragraph, the existing lessee shall not be provided the right of first refusal on the property unless the Executive Officer has conditionally accepted an offer received for the property.

### **VIII. Transfer of Property**

Upon the Conservancy's approval of an offer, the Conservancy will instruct the Department of General Services to transfer the property to the offeror selected subject to detailed terms of sale and timing.

The transfer of property will be made subject to the reservation of protective easements over the agricultural and natural resources of the property and other easements described in the RFO.

### **IX. Implementation Time Line**

Approximate time from Conservancy disposition of Parcel -07 is as follows:

5 weeks	Preparation of sale notice, informational brochure, and RFO.
4 weeks	Department of General Services review of sale notice and RFO.
1 week	Mailing of sale notice, and arrangement for publication of advertising
6 weeks	Advertising the sale of property.
2 weeks	Offers opened, determination of responsible offers, and notification of offerors.
7 weeks	Acceptance or rejection of offers by Executive Officer, counter-offers, existing lessee's right of first refusal, and resolution of terms of sale.
4 weeks	Offerors notified of bid results, Conservancy approval or rejection, action requested of the Department of General Services.

The above schedule may be extended if deemed appropriate by the Executive Officer of the Conservancy.

### **X. Continuation of Marketing**

In the event that no adequate offer is received for the property pursuant to the offering described above, Conservancy staff will continue to market the property until a sale is achieved. This extended marketing program, if necessary, would include occasional publication of advertisements, contact with real estate agents, and canvassing of potential interested parties.